

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 120, Providing for recess of the Legislature from June 2, 1941, until July 15, 1941, or subject to call of the Speaker of the House and the President of the Senate or the Governor.

The House has adopted the Conference Committee report on H. B. No. 364 by a vote of 101 ayes, 11 noes.

The House has concurred in Senate amendments to H. B. No. 335 by a vote of 109 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 124 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Adjournment

On motion of Senator Martin, the Senate, at 8:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

SIXTY-FOURTH DAY

(Wednesday, May 7, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Van Zandt
Lemens	Vick

Weinert
Winfield

York

Absent—Excused

Cotten
Hill

Spears
Sulak

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Shivers.

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Reports of Standing Committees

Senator Moore submitted the following reports:

Senate Chamber,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 305, A bill to be entitled "An Act amending Sections 3, 4, and 6, Chapter 21, General and Special Laws, Forty-third Legislature of Texas, Second Called Session, which amended Sections 4, 5, and 8, Chapter 241, General Laws of the Forty-third Legislature of Texas, Regular Session, providing for the reduction of promoter's license fees and bond in cities of less than twenty-five thousand (25,000) population; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 723, A bill to be entitled
"An Act limiting the tax rate which
may be levied in any independent
school district situated in any county
in this State which county, accord-
ing to the Federal Census of 1940,
had a population of not less than ten
thousand, four hundred (10,400) and
not more than ten thousand, six hun-
dred and sixty (10,660), and providing
for a bond tax of not to exceed
seventy-five (75c) cents on the One
Hundred (\$100.00) Dollars valuation
of taxable property in any such dis-
trict, etc.; and declaring an emer-
gency."

Have had the same under considera-
tion, and I am instructed to report
it back to the Senate with the recom-
mendation that it do pass and be not
printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 875, A bill to be entitled
"An Act to amend Section 8-A, S. B.
No. 21, Chapter 2, General Laws of
the Forty-sixth Legislature, Regular
Session, 1939, which said S. B. No.
21 amended Chapter 482, General and
Special Laws, Forty-fourth Legisla-
ture, Third Called Session; defining
terms; authorizing certain determi-
nations by the Commission with re-
spect to seasonal employment; etc.;
and declaring an emergency."

Have had the same under considera-
tion, and I am instructed to report
it back to the Senate with the recom-
mendation that it do pass and be
printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 193, A bill to be entitled
"An Act amending Section 1 of H. B.
No. 94, Acts, First Called Session,
Forty-third Legislature, page 223,
Chapter 84, and Articles 29 and 29a
of Title 1 of the Revised Civil Stat-
utes of Texas of 1925, so as to define
publication, newspaper, political sub-
division, district, and other terms; etc.;
and declaring an emergency."

Have had the same under considera-
tion, and I am instructed to report
it back to the Senate with the recom-
mendation that it do pass and be
printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 361, A bill to be entitled
"An Act declaring the floods of La-
vaca County, Texas, to be a public
calamity; authorizing a donation and
grant to Lavaca County Flood Con-
trol District of one-half of the State
ad valorem taxes collected in Lavaca
County for flood control improvement
and maintenance purposes, etc.; and
declaring an emergency."

Have had the same under considera-
tion, and I am instructed to report it
back to the Senate with the recom-
mendation that it do pass and be
printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 454, A bill to be entitled
"An Act creating and providing for
a Merit System Council; defining cer-

tain terms; providing qualifications for members of the Council and for their terms of office; providing for the Council's organization and meetings, the compensation of members, and providing its duties and powers, etc.; and declaring an emergency."

Have had the same under consideration, and do hereby recommend that the same do not pass, but that the committee substitute hereto attached do pass in lieu of the original bill and that the committee substitute only be printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 40, To grant Federal Crude Oil Company permission to bring suit against the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 89, Granting W. D. Muncy and wife, Flora K. Muncy, permission to sue the State of Texas.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 260, A bill to be entitled "An Act amending Article 4364 of

the Revised Civil Statutes of 1925 of this State, as amended by H. B. No. 495, Chapter 243, Acts of the Regular Session of the Forty-second Legislature, relating to the system of bookkeeping, ledgers, and accounts as may be necessary to show the sources of the State's revenues and the purpose for which expenditures are made, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President
of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 833, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 252, Acts of the Forty-fifth Legislature, Regular Session, providing for commissions to be paid to county treasurers in various counties in Texas; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 686, A bill to be entitled "An Act amending Section 1 of S. B. No. 203, Chapter 168 of the General Laws of the Regular Session of the Forty-second Legislature so as to authorize the State Parks Board to operate or grant concessions in

State parks and to operate concessions or make concession contracts for any causeway, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senate Chamber,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 716, A bill to be entitled "An Act amending Article 3955 and Article 3959, Title 63, of the Revised Civil Statutes of Texas of 1925, so as to provide for fire escapes for schoolhouses of two or more stories in height; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Kelley submitted the following reports:

Austin, Texas,
May 7, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 455, A bill to be entitled "An Act authorizing the separation of divorcement of public schools from municipal control in municipal school districts entirely surrounded by a county line common school district, pursuant to an election to be held for that purpose; defining the terms 'municipal district' and the term 'governing body' of the city or town; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
May 7, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 457, A bill to be entitled "An Act to amend Sections 1, 5, 6, 7 and 8 of S. B. No. 47, Acts Forty-fifth Legislature, Regular Session, carrying into effect Section 46a of Article III of the Constitution of the State of Texas which established a Teacher Retirement System of Texas; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Offices, to whom was referred

H. B. No. 506, A bill to be entitled "An Act amending Section 12, Chapter 271, Acts of the Regular Session of the Forty-second Legislature; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Senate Bill 460 on First Reading

Senator Lovelady moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Graves
Beck	Hazlewood
Brownlee	Isbell
Chadick	Kelley
Fain	Lanning
Formby	Lemens

Lovelady	Smith
Martin	Stone
Mauritz	Van Zandt
Metcalf	Vick
Moffett	Weinert
Moore	Winfield
Ramsey	York
Shivers	

Absent—Excused

Cotten	Spears
Hill	Sulak

The following bill then was introduced, read first time and referred to the Committee on State Affairs.

By Senator Lovelady:

S. B. No. 466, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas, for the use and benefit of John Tarlton Agricultural College, to construct or acquire, and equip not more than two dormitories, or to construct and equip additions to not more than two existing dormitories; authorizing and requiring said Board to fix fees, rentals, and charges for the use of such dormitories and to make parietal rules concerning the same; authorizing the issuance of negotiable revenue bonds payable from and secured by revenues from such dormitories and of certain dormitories heretofore or hereafter constructed or acquired; authorizing the issuance of negotiable refunding bonds, and of refunding and construction bonds, secured by and payable from revenues as herein provided; providing that bonds authorized in this Act shall not constitute an indebtedness of the State of Texas, or said Board of Directors, or of said institution and that the holders of such revenue bonds shall never have the right to demand payment out of funds other than those pledged for their payment; authorizing under named restrictions use of a portion of the local funds to prevent or relieve a default or to create or maintain a reserve for such bonds; requiring approval of such bonds by the Attorney General, and prescribing the effect thereof; requiring registration by the Comptroller of Public Accounts; making this Act cumulative of other laws but giving precedence to the provisions of this Act; enacting other provisions relating to the subject hereof; and declaring an emergency."

Senate Resolution 125

Senator Lovelady offered the following resolution:

Be it resolved by the Senate of Texas, That the Senate recede from the amendments adopted by the Senate to H. B. No. 373, and declare said H. B. No. 373 to have passed the Senate in the same form in which it was received by the Senate from the House, and that the House be notified of this action.

**LOVELADY,
METCALFE.**

Senator Van Zandt raised a point of order against consideration of the resolution, on the ground that it proposes to amend the bill and to effect an adjustment of the differences between the two Houses on the bill in a manner not authorized by the Constitution or joint rules of the two Houses of the Legislature.

The President overruled the point of order and stated the adoption of the resolution would properly effect an adjustment of the differences between two Houses on the bill and that after a bill reaches a stage when the adjustment of the differences between the two Houses on the bill is all that remains to be done to effect its final enactment, either or both Houses may take any action, separately or jointly which will adjust those differences.

The resolution then was adopted by the following vote:

Yeas—24

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Weinert
Lemens	Winfield

Nays—2

Van Zandt	Vick
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Absent

York

Absent—Excused

Cotten
Hill

Spears
Sulak

Senate Concurrent Resolution 48

Senator Fain offered the following resolution:

S. C. R. No. 48, Providing for exchange of certain flags with Mexico.

Whereas, There exists between the Government of the Republic of Mexico and the Governments of the United States of America and of the State of Texas, a spirit of mutual understanding and amity; and

Whereas, It is the desire of the Senate of the State of Texas, the House of Representatives concurring, to promote, foster, nurture, and maintain this spirit of friendship with our Sister Republic to the South, and to establish precepts and examples whereby the good neighbor ideal promulgated by the President of the United States of America may become a living and enduring policy of our Government; and

Whereas, The people of the State of Texas, being mindful of regrettable misunderstandings of the past which placed a cloud upon our relations, rejoice in the fraternity of nations which has been established between us, the cordiality of our intercourse and the multitude of blessings derived from the establishment of friendly reciprocity; and

Whereas, In other generations, the peoples of the Republic of Mexico and the peoples of the State of Texas did not enjoy those blessings of fidelity and trust which are now our heritage; and

Whereas, During that dark period of our history when the Four Horsemen rode between us, the Gods of War decreed that we should be enemies rather than friends and directed our armies into the field—granting victories to the armies of the Republic of Mexico, and granting victories to the armies of Texas; and

Whereas, The army of the Republic of Mexico was the victor of the Battle of the Alamo and, as victors, captured the Texas battle flag which floated over the sacred Mission of the Alamo and delivered this flag to the

proper authorities of the Republic of Mexico as a trophy of war, and it now reposes in the National Museum in the City of Mexico; and the army of the Republic of Texas was the victor of the battle of San Jacinto and, as victor, captured the battle flag of General Antonio Lopez Santa Anna, and this flag now reposes as a trophy of war in the Museum in the City of Austin; and

Whereas, It is the desire of the Senate of Texas and the House of Representatives that these flags no longer be reminders of a conflict which once existed between us but rather that they should become monuments to a firm and continuing friendship; and

Whereas, It is the desire of all free men who love liberty and the pursuit of happiness, and who cherish the ideals of Democratic Government, that the Democracies of the World should evidence the solidarity of our friendship and our unity of purpose to remain free and independent and to preserve for our children and our children's children the fruits and the blessings of the Democratic way of life; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Mexican battle flag, captured by General Sam Houston at the battle of San Jacinto be returned to the Government of the Republic of Mexico in exchange for the battle flag of the Alamo captured by General Antonio Lopez de Santa Anna, at appropriate ceremonies to be held at such time and place as may be agreed upon by representatives of the Government of the State of Texas and representatives of the Government of the Republic of Mexico; and, be it further

Resolved, That the President of the Senate and the Speaker of the House of Representatives appoint a committee—five members of the Senate and five members of the House of Representatives—to arrange, on the part of the State of Texas, for the exchange of these historic flags; and, be it further

Resolved, That His Excellency, Manuel Avila Camacho, President of the Republic of Mexico be, and His Excellency is hereby respectfully petitioned to lend his good offices to

accomplish the fulfillment of this solemn purpose; and, be it further

Resolved, That a copy of this resolution be delivered to His Excellency, Manuel Avila Camacho, President of the Republic of Mexico, and to the Honorable Josephus Daniels, Ambassador of the United States of America to the Republic of Mexico.

FAIN,
SMITH,
KELLEY.

The resolution was read and was referred to Committee on State Affairs.

Senate Resolution 126

Senator Stone offered the following resolution:

Whereas, Texas' oldest newspaper, the Galveston News, on April 11, 1941, entered its 100th year of continuous publication, being the only surviving Texas newspaper which was established when this State was an independent republic; and .

Whereas, The Galveston News has played a notable part in the development of Texas; and

Whereas, The approach of Texas first newspaper centennial is a matter of statewide interest; now, therefore, be it

Resolved by the Senate of Texas, That the Senate extend its congratulations to the publishers of the Galveston News; and, be it further

Resolved, That the Secretary of the Senate be directed to send a copy of this resolution to W. L. Moody, Jr., of Galveston, President of the News Publishing Company.

The resolution was read and by unanimous consent, it was considered and adopted at this time.

Senate Resolution 127

Senator Fain offered the following resolution:

Whereas, The National emergency demands that we render the utmost aid to Britain in compliance with the Lend-Lease Bill recently passed by the Congress, and now being partially put into effect, and that it called for production and delivery of the necessary supplies, and these supplies naturally will be of no value on the wharves of the Eastern coastline, but

must be delivered to the point of use if any immediate value to the Democracies is to be realized; and

Whereas, The creation of bottlenecks in defense industry will unquestionably seriously handicap not only the production, but the delivery of defense supplies; and

Whereas, The National Administration is carrying on courageously under the present handicap of being unable to deliver said supplies to Great Britain at the point of delivery; now, therefore, be it

Resolved, That the Senate of the Forty-seventh Legislature of the State of Texas, do hereby petition the President of the United States and the Congress of the United States to take necessary steps to insure continued production and delivery to the Democratic Nations now engaged in war; to meet their immediate needs in combating the war against the Totalitarian Agressor Nations, and that copies be sent to the President of the United States, to the President of the United States Senate and to the Speaker of the House of Representatives of the National Congress immediately, and to the Texas Delegation in Congress for their immediate presentation for Congressional consideration.

LEMENS,
FAIN.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

Senate Bill 461 on First Reading

Senator Weinert moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Chadick	Martin
Fain	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Moore
Isbell	Ramsey
Kelley	Shivers

Smith
Stone
Van Zandt
Vick

Weinert
Winfield
York

Absent—Excused

Cotten
Hill

Spears
Sulak

The following bill then was introduced, read first time and referred to the Committee on State Affairs.

By Senator Weinert:

S. B. No. 461, A bill to be entitled "An Act to permit John R. Howe and wife, Emma Howe of Hays County, Texas, to sue, and join the State of Texas and Texas Highway Commission in a suit against Hays County, the State of Texas and Highway Commission for damages incident to condemnation proceedings had in cause No. 1409 in the County Court of Hays County, Texas, styled State of Texas vs. John R. Howe and wife, Emma Howe; fixing the time within which the same may be brought; fixing the venue thereof in Hays County, Texas; providing that any judgment recovered against the State and Highway Commission or either thereof, shall be paid out of State Highway Funds; providing for service of citation; for appeal without bond; and declaring an emergency."

Senate Bill 462 on First Reading

Senator Martin moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin
Beck
Brownlee
Chadick
Fain
Formby
Graves
Hazlewood
Isbell
Kelley
Lanning
Lemens
Lovelady
Martin

Mauritz
Metcalf
Moffett
Moore
Ramsey
Shivers
Smith
Stone
Van Zandt
Vick
Weinert
Winfield
York

Absent—Excused

Cotten
Hill

Spears
Sulak

The following bill then was introduced, read first time and referred to the Committee on State Affairs.

By Senator Martin:

S. B. No. 462, A bill to be entitled "An Act granting permission to Mount Olivet Cemetery Company, a private corporation chartered under the laws of this State, to bring and prosecute suit against the State of Texas in any court of competent jurisdiction in Tarrant County, Texas, to ascertain the amount, if any, due the Mount Olivet Cemetery Company for damages alleged to have been sustained by reason of the construction and maintenance of the State highway and the overpass on said State highway which runs in a general easterly and westerly direction on the north side of the cemetery belonging to and operated by the Mount Olivet Cemetery Company in Tarrant County, Texas, said highway being known as State Highway No. 15, and providing that said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit were one by and between citizens of the State of Texas or by and between private corporations; providing for a right of appeal by either party and for the joinder of other proper or necessary parties; providing for the service of citation on the State, and providing the time in which such suit may be brought, and providing that the State of Texas may plead any defense available to it, except the Statute of Limitation; and declaring an emergency."

Message from the House

The Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed

H. R. No. 242, Requesting the Senate to return H. C. R. No. 101 to the House for further consideration.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Return of House Concurrent Resolution 101 to House

On motion of Senator Metcalfe and by unanimous consent, the request of the House for the return of H. C. R. No. 101 to the House was granted.

Motion to Take Up House Bill 199

Senator Moffett moved that the regular order of business be suspended, to permit consideration of H. B. No. 199 at this time.

Yeas and nays were demanded and the motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14

Hazlewood	Shivers
Isbell	Smith
Lovelady	Stone
Martin	Vick
Moffett	Weinert
Moore	Winfield
Ramsey	York

Nays—12

Aikin	Graves
Beck	Lanning
Brownlee	Lemens
Chadick	Mauritz
Fain	Metcalfe
Formby	Van Zandt

Absent

Kelley

Absent—Excused

Cotten	Spears
Hill	Sulak

Notice of Executive Session

At 10:55 o'clock a. m., Senator Martin gave notice that he would move at 11:00 o'clock a. m. tomorrow that the Senate go into executive session to consider nominations of the Governor.

Joint Session

At 11:00 o'clock a. m., the President announced the arrival of the hour for a joint session of the Legislature pursuant to the provisions of H. C. R. No. 103, and he requested the Senators to repair to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House, and the Senators

were duly admitted and were escorted to seats prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's stand.

The President called the Senate to order, and announced a quorum present.

The Presiding Officer of the House (Mr. Little) called the joint session to order, and announced a quorum of the House present.

The representatives of the Women's Clubs of Texas were announced at the bar of the House, and were escorted to the speaker's stand by Representatives Blankenship, Carlton, Benton, Harris of Dallas, Files, Colson, Bundy and Dickson of Bexar.

The Presiding Officer of the House presented Representative Benton, who presented Mrs. E. H. Shaufler to the joint session.

Prayer was offered by Rev. Posey of Austin at the request of Mrs. Shaufler.

Mrs. Shaufler presented the following leaders of the women's organizations of Texas, who addressed the joint session briefly: Mrs. Noyes Darling Smith, Mrs. M. H. Ehler, Mrs. Claude De Van Watts, Mrs. W. A. Quebedeaux.

At the conclusion of the addresses, the Senate repaired to its Chamber.

In the Senate

The President called the Senate to order at 11:50 o'clock a. m.

Committee Substitute House Bill 29 on Passage to Third Reading

The President laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on Monday, May 5, 1941):

C.S.H.B. No. 29, A bill to be entitled "An Act to amend Chapter 5, Title 14, of the Penal Code of Texas of 1925, as amended, by amending Articles 1037 and 1037a relating to weights and measures, and by adding the new Articles numbered as follows: Articles 1037b, 1037c, 1037d, 1037e, 1037f, 1037g, 1037h, 1037i, and 1037j; prohibiting the sale, use, or possession of false weights, measures,

or weighing or measuring devices and weights, measures, or weighing or measuring devices which have not been sealed by a weights and measures official; prohibiting the sale and use of devices which have been condemned for repairs; prohibiting the sale of commodities contrary to law; requiring commodities to be sold by weight, measure, or numerical count; regulating the packing and marking of packages and containers; requiring the net quantity of contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; requiring the name and address of manufacturer, packer, or distributor on package; providing for certain variations in weight; prohibiting deceptive pack; providing for standard of fill of containers; providing standards for the sale of butter, bread, milk, meat and meat food products, including poultry, prohibiting misrepresentations of price or quantity of commodity, thing, or service; providing for establishment of rules and regulations, including a standard net weight, net measure, or net numerical count for commodities, products or articles, and including certain exemptions; defining certain terms; providing penalties for the enforcement of the Act; specifically repealing certain Acts and repealing all other laws in conflict; including a saving clause; and declaring an emergency."

With the following amendment by Senator Graves pending:

Amend committee substitute for H. B. No. 29, by striking out the words "one and one-half (1½) pounds," on line eleven (11), page four (4).

Senator Martin moved to table the amendment.

Yeas and nays were demanded on the motion to table.

The roll was called and the vote announced:

Yeas 7, nays 13.

The President announced there was not a quorum present.

Recess

On motion of Senator Weinert, the Senate, at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

House Bill 978 on Second Reading

On motion of Senator Vick and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 978 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 978, A bill to be entitled "An Act repealing H. B. No. 386 of the Regular Session of the Forty-seventh Legislature; amending Section 3 of H. B. No. 12 of the Second Called Session of the Forty-second Legislature so as to permit fishing for certain species of fish in McLennan County during the month of February of any year; repealing all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 978 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 978 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 186 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 186 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 186, A bill to be entitled "An Act providing for the conservation and protection of game in the State of Texas by providing open seasons for hunting in the State; prescribing bag limits and limits on possession of game; prescribing the time when it shall be legal to hunt certain game; setting aside certain territory as a nesting and propagating ground for certain game, and prohibiting hunting and shooting therein; fixing a limitation on the kind of gun with which certain game can be hunted; authorizing game wardens to take affidavits with reference to the violation of game laws; prescribing offenses and fixing penalties; repealing all laws in conflict with this Act; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 186 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be sus-

pended and that H. B. No. 186 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 724 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 724 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 724, A bill to be entitled "An Act providing for the conservation and protection of game in the State of Texas by providing open seasons for hunting in the State; prescribing bag limits and limits on possession of game; prescribing the time when it shall be legal to hunt certain game; setting aside certain territory as a nesting and propagating ground for certain game, and prohibiting hunting and shooting therein; fixing a limitation on the kind of gun with which certain game can be hunted; authorizing game wardens to take affidavits with reference to the violation of game laws; prescribing offenses and fixing penalties; repealing all laws in conflict with this Act; providing a saving clause; and declaring an emergency."

when it shall be lawful to hunt, take, or kill deer in Brown County, Texas; providing a bag limit of one buck for each hunter; fixing a penalty for the violation hereof; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 724 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 724 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 820 on Second Reading

On motion of Senator Mauritz and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 820 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 820, A bill to be entitled "An Act for the purpose of better conserving the marine fish resources of this State by placing a closed season on shrimp in the inland salt water of this State during the period of time from and between the 15th day of June and the 31st day of August and during the period of time from and between the 15th day of December and the 1st day of March of any year; providing that shrimp may be taken at any time of the year, with certain tackle, for bait; making it the duty of the Game, Fish and Oyster Commission to classify and re-classify salt-water fish and authorize the taking of non-game species subject to certain limitations and license; providing a penalty for violations of this Act; providing for the seizing of tackle for evidence; repealing Section 1.0 of Article 941 of the Penal Code and all laws conflicting herewith; and declaring an emergency."

The bill was read second time.

Senator Mauritz offered the following amendment to the bill:

Amend H. B. No. 820 by striking out all of lines 50, 51, 52 and 53 on page one (1) and insert the following:

"Provided it shall be lawful at all times to possess shrimp lawfully taken from the waters of this State or imported from other states, and it shall be lawful for any person at any time to take shrimp for bait from any of the tidal waters of this State with a minnow seine of not more than twenty feet in length, with a cast net or with a shrimp trawl, provided that such shrimp trawl shall be not more than ten feet in width at the mouth and not more than twenty-five feet in length, and provided that any and all persons who offer such shrimp for sale shall comply with the provisions

of the laws of this State requiring a license for such sale." And amend the caption to conform to the body of the bill.

The amendment was adopted.

The bill was passed to third reading.

House Bill 820 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 820 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 925 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 925 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 925, A bill to be entitled "An Act declaring an open season on killing the Golden Eagle or Mexican Brown Eagle in the State of Texas; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 925 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 925 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Isbell
Fain	Kelley

Lanning	Shivers
Lemens	Smith
Lovelady	Stone
Martin	Van Zandt
Mauritz	Vick
Metcalfe	Weinert
Moffett	Winfield
Moore	York
Ramsey	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 946 on Second Reading

On motion of Senator Formby and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 946 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 946, A bill to be entitled "An Act creating a Special Road Law for Crosby County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of April 10th, 1941, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, or time warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the commissioners' court and of the county officials of said county in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 946 on Third Reading

Senator Formby moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 946 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 850 on Second Reading

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 850 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 850, A bill to be entitled "An Act authorizing the Commissioners' Court in Wharton County to allow each county commissioner certain expenses in connection with the perform-

ance of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 850 on Third Reading

Senator Stone moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 850 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 954 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended to permit consideration of H. B. No. 954 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 954, A bill to be entitled "An Act amending H. B. No. 884 of the Forty-second Legislature, as amended by H. B. No. 1109 of the Forty-sixth Legislature, so as to add thereto a new Section to be known as Section 1a, following Section 1 thereof, to provide that it shall be lawful to take, capture, shoot or kill Collared Peccary or Javelina in the Counties of Webb, Starr and Zapata at any time; prohibiting the sale of any Collared Peccary or Javelina, or any part of the same, in said counties; prescribing penalties; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 954 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 954 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 728 on Second Reading

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 728 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 728, A bill to be entitled "An Act authorizing boards of trustees in all independent school districts located in any county having a population of more than forty-five thousand (45,000) inhabitants and having an assessed valuation of not more than Seven Hundred Seventy-five Thousand (\$775,000.00) Dollars and not less than Five Hundred Fifty Thousand (\$550,000.00) Dollars, to issue refunding warrants to bear interest at the rate of three per centum (3%) per annum, for the purpose of paying salaries of employees of the schools; providing that the total amount of such warrants outstanding shall never exceed Five Thousand (\$5,000.00) Dollars at any given time; providing that such warrants shall be issued serially and paid in order; providing the manner of issuing such warrants and validating the same; providing for the levy of a tax by the board of trustees to pay the interest on and retire such warrants within a designated time; and declaring an emergency."

The bill was read second time.

Senator Isbell offered the following amendment to the bill:

Amend H. B. No. 728 by striking out the word "having" in line ... page 1, and inserting in lieu thereof the following, "which independent school district has"

The amendment was adopted.

The bill was passed to third reading.

House Bill 728 on Third Reading

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 728 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten
HillSpears
Sulak**House Bill 893 on Second Reading**

On motion of Senator Chadick and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 893 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 893, A bill to be entitled "An Act providing an open season for mourning doves in Van Zandt and Rains Counties, from September 1, to October 31 of each year, and providing that other laws of this State with reference to taking and hunting mourning doves shall apply in said counties; fixing a penalty for violation of this Act; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 893 on Third Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 893 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten
HillSpears
Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten
HillSpears
Sulak**House Bill 949 on Second Reading**

On motion of Senator Chadick and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 949 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 949, A bill to be entitled "An Act providing that it shall be lawful to kill quail in Van Zandt County only on Monday, Wednesday, and Friday of each week after the first day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time for each year thereafter on the same days of the week; providing the number of quail that can be killed on any one day; prescribing violations of this Act and providing the penalties therefor; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 949 on Third Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 949 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Brownlee
Beck	Chadick

Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 7, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 920, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than twenty-nine thousand seven hundred and sixty (29,760) and not more than twenty-nine thousand, nine hundred and sixty (29,960) inhabitants, according to the last preceding Federal Census to lease

any county hospital belonging to said county, and providing for the terms of said lease; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 7, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

S. B. No. 461, A bill to be entitled "An Act to permit John R. Howe and wife, Emma Howe of Hays County, Texas, to sue, and join the State of Texas and Texas Highway Commission, in a suit against Hays County, the State of Texas and Highway Commission for damages incident to condemnation proceedings had in Cause No. 1409 in the County Court of Hays County, Texas, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

House Bill 920 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 920 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 920, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than twenty-nine thousand, seven hundred and sixty (29,760) and not more than twenty-nine thousand, nine hundred and sixty (29,960) inhabitants, according to the last preceding Federal census, to lease any county hospital belonging to said county, and providing for the terms of said lease; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 920 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 920 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 331 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 331 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 331, A bill to be entitled "An Act amending H. B. No. 1032 of the Regular Session of the Forty-sixth Legislature, Acts 1939, Chapter 15, page 652, so as to exclude independent school districts and common school districts from the operation thereof; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 331 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 331 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 840 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 840 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 840, A bill to be entitled "An Act providing for the establishment, erection, equipping, operation and maintenance of hospitals by certain counties and cities, for the levying of a direct tax therefor, and for the issuance and payment of bonds for such purposes; further providing for the leasing of such hospital; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 840 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 840 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Brownlee
Beck	Chadick

Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 882 on Second Reading

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 882 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 882, A bill to be entitled "An Act providing that it shall not be unlawful for any person to catch, trap, shoot, or kill any wild fox in Robertson County, Texas, but making it a misdemeanor to sell or offer to sell the pelt or pelts thereof and providing a penalty; providing that it shall not be unlawful for any person to shoot, kill, or to set a steel trap, snare, or deadfall for the purpose of taking any other fur-bearing animal in Robertson County, Texas; nor to sell the pelt or pelts thereof; making the provisions of this law cumulative of all general laws on the subject not in conflict herewith and repealing all laws in conflict with the provisions of this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 882 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 882 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Brownlee
Beck	Chadick

Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Isbell	Smith
Kelley	Stone
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

Minority Report on Senate Bill 208

Senator Stone submitted at this time the following report:

Austin, Texas,
May 7, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs to which committee was referred

S. B. No. 208, A bill to be entitled "An Act designating this Act as the 'Anti-Loss Leader Act,' defining 'Cost to the retailer'; providing for a mark-up to cover costs of not less than three-fourths ($\frac{3}{4}$) of one percent together with a mark-up of not less than six (6%) per cent to cover a

proportionate part of cost of doing business, by the retailer; etc.; and declaring an emergency."

Have had the same under consideration and beg leave to report our recommendation that it do pass and be printed, and that this report be in lieu of the majority report unfavorably reporting said bill.

Respectfully submitted by the undersigned, having been present in the committee at the time said bill was reported unfavorably, and voting for a favorable report for said bill, and that said motion for minority report was duly and seasonably made.

STONE,
GRAVES,
KELLEY.

Senate Resolution 128

Senator York, by unanimous consent, offered at this time the following resolution:

Whereas, On this seventh day of May, 1941, Mr. J. Malvin Hare, County Superintendent of Burleson County, Texas, and a large group of Seventh Grade students of Burleson County are present in the City of Austin and are now present in the gallery of the Senate; and

Whereas, Mr. Hare is one of the outstanding school men of Central Texas, and these children representing the cream of Texas citizenry; now, therefore, be it

Resolved, That the Senate recognize this fine group of people and that Mr. J. Malvin Hare be extended the privileges of the floor for the day.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

Senate Resolution 129

Senator Fain, by unanimous consent, offered at this time the following resolution:

Whereas, H. B. No. 541 has passed the Senate and is now in the Enrolling Room of the House; now, therefore, be it

Resolved by the Senate of Texas; That said H. B. No. 541 be returned to the Senate for further consideration, that corrections may be made.

The resolution was read, and on motion of Senator Fain and by unanimous consent, it was considered immediately and was adopted.

Signing of Bills

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 31, A bill to be entitled "An Act to provide that in all suits on account of the defalcation of, or misapplication or misappropriation of money by, any public officer in this State the official bond or bonds of such officers executed after this Act takes effect shall inure to the benefit of the persons aggrieved by such defalcation, etc."

H. B. No. 124, A bill to be entitled "An Act to amend Article 4629 of the Revised Civil Statutes of Texas, as amended, by striking out certain words therein; and providing for an emergency."

H. B. No. 335, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of 1925, as amended by H. B. No. 222, Chapter 254, of the Acts of the Regular Session of the Forty-first Legislature, and further amending Chapter 137, Section 1, Acts of the Regular Session of 1931, of the Forty-second Legislature; and declaring an emergency."

Committee Substitute House Bill 29
on Passage to Third Reading

The Senate resumed consideration of pending business, same being C. S. H. B. No. 29, relating to weights and measures, on its passage to third reading; with amendment by Senator Graves and motion by Senator Martin to table the amendment pending.

The motion to table was lost by the following vote:

Yeas—8

Lovelady	Smith
Martin	Stone
Moore	Weinert
Shivers	York

Nays—17

Aikin	Graves
Beck	Hazlewood
Brownlee	Isbell
Chadick	Kelley
Fain	Lanning
Formby	Lemens

Mauritz
Metcalf
Moffett

Vick
Winfield

Absent

Ramsey

Van Zandt

Absent—Excused

Cotten
Hill

Spears
Sulak

The amendment was adopted.

(Senator Shivers in the Chair.)

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 29 by striking out Section E of Section 1.

Senator Graves moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

Aikin	Lanning
Beck	Lemens
Brownlee	Mauritz
Chadick	Metcalf
Fain	Moffett
Formby	Ramsey
Graves	Vick
Hazlewood	Winfield
Isbell	York
Kelley	

Nays—8

Lovelady	Smith
Martin	Stone
Moore	Van Zandt
Shivers	Weinert

Absent—Excused

Cotten	Spears
Hill	Sulak

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—17

Brownlee	Kelley
Chadick	Lanning
Fain	Lemens
Formby	Mauritz
Graves	Metcalf
Hazlewood	Moffett
Isbell	Stone

Vick
Winfield

York

Nays—9

Aikin	Shivers
Beck	Smith
Lovelady	Van Zandt
Martin	Weinert
Moore	

Absent

Ramsey

Absent—Excused

Cotten	Spears
Hill	Sulak

Motion to Place Committee Substitute House Bill 29 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 29 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—19

Aikin	Lanning
Beck	Lemens
Brownlee	Mauritz
Chadick	Metcalfe
Fain	Moffett
Formby	Stone
Graves	Vick
Hazlewood	Winfield
Isbell	York
Kelley	

Nays—7

Lovelady	Smith
Martin	Van Zandt
Moore	Weinert
Shivers	

Absent

Ramsey

Absent—Excused

Cotten	Spears
Hill	Sulak

Senate Resolution 130

Senator Hazlewood, by unanimous consent, offered the following resolution:

Whereas, Fred Thompson, mayor of the City of Pampa, Texas, and an outstanding public citizen, is present in Austin and is now in the Capitol on this 7th day of May, 1941, observing the operation of government; now, therefore, be it

Resolved by the Senate of Texas, That there be extended to this visitor

a cordial welcome to his Capitol and that the privileges of the floor be extended to him.

The resolution was read, and on motion of Senator Hazlewood and by unanimous consent, it was considered immediately and was adopted.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 7, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 121, Designating Thursday, May 8th, as suspension day in the House of Representatives.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Report of Conference Committee on House Bill 364

Senator Van Zandt submitted the following report:

Committee Room,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and House on H. B. No. 364,

Have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said H. B. No. 364 be adopted in the form hereto attached.

VAN ZANDT,
WEINERT,
STONE,
KELLEY,
AIKIN,

On the part of the Senate;

ALSUP,
HALSEY,
LOCK,
COLSON,
KERSEY,

On the part of the House.

H. B. No. 364, A bill to be entitled "An Act amending Article 2700, revised Civil Statutes, 1925, pertaining to the salaries of elective county superintendents and to office and traveling expenses; providing for salaries of county superintendents in counties having not more than eight thousand (8,000) scholastic population under certain conditions; providing for assistance to the county superintendent; providing for supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act and repealing all General Laws in conflict herewith except such General Laws as provide for a part of the office expense to be paid out of the general revenue of the county; declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Salary of the county superintendent. The elective county superintendents shall receive from the available school fund of their respective counties annual salaries based on the scholastic population of such counties as follows:

Population	Amount
3,000 or less	\$1,800.00
3,001 to 4,000	2,000.00
4,001 to 5,000	2,200.00
5,001 to 6,000	2,400.00
6,001 to 7,000	2,600.00
7,001 to 8,000	2,800.00
8,001 to 9,000	3,000.00
9,001 to 12,000	3,200.00
12,001 to 15,000	3,400.00
15,001 to 30,000	3,600.00
30,001 to 40,000	3,800.00
40,001 to 50,000	4,200.00
50,001 and over	4,800.00

Provided however, in counties having more than thirty-five hundred (3500) scholastics and less than eight thousand and one (8,001) scholastics, where no supervisor is employed and where the total expense for office assistants does not exceed Eighteen Hundred (\$1800.00) Dollars per annum, the salary of the county superintendent may be set at a sum not to exceed Three Thousand (\$3,000.00) Dollars per annum by action of the county board of trustees.

In making the annual budget for county administration expenses the

county school trustees shall make allowance out of the State Available School Fund for salary and expenses of the office of the county superintendent and the same shall be determined by the resident scholastic population of the county. It shall be the duty of the county board of trustees to file the budget for county administration expense with the State Department of Education on or before September 1st of each scholastic year, the budget to be approved and certified to by the president of the county board of education and attested to by the county superintendent. The compensation herein provided for shall be paid monthly upon the order of the county school trustees; provided that the salary for the month of September shall not be paid until the county superintendent presents a receipt from the State Superintendent showing that he has made all reports required of him. The county superintendent, with the approval and the confirmation of the county board of education, may employ a competent assistant to the county superintendent at an annual salary not to exceed Two Thousand (\$2,000.00) Dollars and may also employ such other assistants as necessary provided the aggregate amount of the salaries of such other assistants shall not exceed Twelve Hundred (\$1200.00) Dollars annually; and the county board of education may make further provisions as it deems necessary for office and traveling expenses of the county superintendent; provided that expenditures for office and traveling expenses of the county superintendent shall not be less than Three Hundred (\$300.00) Dollars and not more than Eight Hundred (\$800.00) Dollars per annum, such expense shall first be proven by affidavit therefor, and said board is hereby authorized to fix the salary of such assistants and pay same out of the same funds from which the salary and expenses of the county superintendent are paid.

Sec. 2. The county superintendent of public instruction may, with the approval of the county board of education, employ one or more school supervisors to assist in planning, outlining, and supervising the work of the public free schools in the county which is under the supervision of the county superintendent of public in-

struction. Said supervisor of supervisors shall at all times work under the supervision and direction of the county superintendent of public instruction, as other assistants are required to do, and must have evidence of proficiency in rural school supervision and must be the holder of at least a bachelor of science degree or higher. Such supervisor or supervisors may receive a salary of not to exceed Two Thousand (\$2,000.00) Dollars per annum, to be paid out of the same funds and in the same manner as that of the county superintendent of public instruction and other assistants.

Sec. 3. It shall be the duty of the State Superintendent to remit to the depository banks of each of the respective counties the amount of the State Available School Fund; provided in the budget of each county, remittance to be made in October and February of each scholastic year, in equal amount.

Sec. 4. The State Superintendent of Public Instruction is hereby authorized to issue and transmit to county officials all instructions necessary for the proper observance and administration of this Act.

Sec. 5. All General and Special Laws in conflict herewith are hereby repealed except such laws as provide for a part of the office expense to be paid out of the general revenue of the county, except that the repealing clause shall not apply to any county that levies a special tax for the maintenance of the office of the county superintendent in whole or in part.

Sec. 6. The fact that the county superintendents of public instruction in the counties to which this Act is made applicable have multiplied duties, teachers to supervise, and districts in sections which require such travel in the full performance of their duties, and the further fact that the salaries now paid said county superintendents are less than paid other county officials, and the further fact that attempts to remedy deficiencies in many counties has been by Special Law, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that bills be read on three several days, and the said rule is hereby suspended, and this Act shall take effect and

be in force from and after September 1, 1941, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted.

Report of Standing Committee

Senator Isbell, by unanimous consent, submitted at this time the following report:

Austin, Texas,
May 5, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 295, A bill to be entitled "An Act authorizing the commissioners' court in every county of the State of Texas having a population of not less than nineteen thousand ten (19,010), nor more than nineteen thousand seventy (19,070), and not less than twenty-three thousand eight hundred (23,800), nor more than twenty-four thousand (24,000), and not less than fifty-four thousand (54,000), nor more than fifty-four thousand five hundred (54,500), according to the last preceding Federal Census, to pay out of the general funds of such counties the premium on the surety bond required by law to be furnished by county treasurers; repealing all laws in conflict herewith; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ISELL, Vice Chairman.

Senate Bill 461 on Second Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 461 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Fain
Beck	Formby
Brownlee	Graves
Chadick	Hazlewood

Isbell	Ramsey
Kelley	Shivers
Lanning	Smith
Lemens	Stone
Lovelady	Van Zandt
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield
Moffett	York
Moore	

Absent—Excused

Cotten	Spears
Hill	Sulak

The Presiding Officer laid the bill before the Senate on second reading and passage to engrossment.

The bill was read second time.

Senator Weinert offered the following amendments to the bill:

(1)

Amend S. B. No. 461 by striking from Section 4 thereof the words "and upon final judgment being rendered against the State of Texas and Highway Commission or either thereof, same shall be paid out of Highway funds."

(2)

Amend S. B. No. 461 by adding a new Section to be numbered Section 4-a and to read as follows:

"Nothing shall be construed as an admission of liability on the part of the State of Texas."

The amendments were adopted severally.

The bill was passed to engrossment.

Senate Bill 461 on Third Reading

The Presiding Officer laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

House Bill 233 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 233 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 233, A bill to be entitled "An Act appropriating the sum of Nine Hundred Seventy-seven Thousand, Three Hundred and Thirty-two (\$977,332) Dollars per year, or so much thereof as may be necessary, for the next biennium beginning September 1, 1941, and ending August 31, 1943, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, general rehabilitation, and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations, and limitations relative thereto, making various allocations of said appropriation; authorizing aid to such schools in accordance with the conditions specified herein; providing for certain regulations concerning qualification of teachers; providing all costs of administering funds named in this Act shall be paid out of monies appropriated in this Act under the authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; defining the powers of the State Board of Education and the State Superintendent; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendments to the bill:

(1)

Amend the bill by striking out all below the enacting clause and inserting the following:

"Section 1. For the purpose of promoting public school interests and matching Federal Funds, there is hereby appropriated out of the General

Revenue Fund One Million One Hundred Thirty-two Thousand One Hundred Eighty-one & 58/100 (\$1,132,181.58) Dollars, or so much thereof as may be necessary for the School year ending August 31, 1942, and One Million One Hundred Thirty-two Thousand One Hundred Eighty-one & 58/100 (\$1,132,181.58) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1943, to be allotted and expended by the State Superintendent of Public Instruction under the direction of the State Board for Vocational Education.

Sec. 2. The funds appropriated in this Act shall be expended in accordance with all Federal laws and regulations governing vocational education, providing that in schools where equalization funds are received, vocational agriculture, home-making, trades and industries, and distributive education shall comply with such regulations as set forth in the Equalization Bill; and provided further that none of the funds herein appropriated shall be used to increase any salary in excess of Two Thousand (\$2,000.00) Dollars per year, any part of which is paid from this fund.

Sec. 3. Provided that vocational agriculture and Trade and Industrial teachers may be paid for twelve (12) months where the superintendent of the school in which they are employed has certified to the State Superintendent of Public Instruction that such teacher is actually engaged in teaching this work twelve (12) months; and salaries may be paid to vocational home economics teachers not to exceed ten (10) months in any one (1) year. Provided further that no salary shall be paid to local trial teachers in vocational schools in excess of Eighteen Hundred (\$1,800.00) Dollars per year for the first year, and that the salary of any other teacher for this work shall not be consummated until same is approved by the State Board for Vocational Education.

Sec. 4. The State Board for Vocational Education, through its Executive Officer, is hereby authorized to receive and disburse in accordance with plans acceptable to the responsible Federal Agency, all Federal monies that are made available to the State of Texas for such purposes as training personnel for National Defense Industries, and for such other activities as come under the authority

of the State Board for Vocational Education.

Sec. 5. There is hereby allocated and set aside the following amounts for the purposes indicated below:

Vocational Agriculture: Three Hundred Eighty-five Thousand, Four Hundred Twenty-five (\$385,425.00) Dollars.

Vocational Home Economics: Two Hundred Ninety-six Thousand, Seven Hundred Fifty-six and 58/100 (\$296,756.58) Dollars.

Trades and Industries: One Hundred Fifty-seven Thousand (\$157,000.00) Dollars.

Distributive Education: Fifteen Thousand (\$15,000.00) Dollars.

Rehabilitation: One Hundred and Three Thousand (\$103,000.00) Dollars.

Rehabilitation for Crippled Children: One Hundred Seventy-five Thousand (\$175,000.00) Dollars.

Provided the funds herein appropriated for vocational services may be re-allocated with the consent of each of the directors and with the approval of the State Superintendent of Public Instruction.

Sec. 6. The fact that many schools in this State are desirous of having the services of vocational teachers mentioned in this Act, and the further fact that if these schools receive such services it is absolutely necessary that this appropriation be passed, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

(2)

Strike out all above the enacting clause and insert in lieu thereof the following:

A BILL TO BE ENTITLED

"An Act appropriating the sum of One Million One Hundred Thirty-two Thousand One Hundred Eighty-one & 58/100 (\$1,132,181.58) Dollars per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1941, and ending August 31, 1943, from the General

Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education, general rehabilitation, and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal funds, providing for the administration, attaching conditions, regulations, and limitations relative thereto, making various allocations of said appropriations; authorizing aid to such schools in accordance with the conditions specified herein; providing for certain regulations concerning qualification of teachers; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under the authority of the State Superintendent of Public Instruction, who is the Executive Officer of the State Board for Vocational Education, under the direction of the State Board for Vocational Education; providing for acceptance and disbursement of all Federal moneys as may be made available to the State Board for Vocational Education in accordance with plans acceptable to the Federal agency in charge of such funds; defining the powers of the State Board for Vocational Education and the State Superintendent who is the Executive Officer; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The amendments were adopted.

Senator Van Zandt offered the following amendment to the bill as amended:

Amend the bill as amended, Section 2, line 49 of printed copy after the word "bill" strike out remainder of Section and insert in lieu thereof the following:

"Provided that no school shall receive reimbursement from this fund on the salary of the vocational agricultural teachers an amount in excess of One Thousand, Three Hundred Fifty (\$1,350.00) Dollars."

The amendment was adopted.

Record of Vote

Senator Metcalfe asked to be recorded as voting "nay" on the amendment.

The bill then was passed to third reading.

House Bill 233 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 233 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

The Assistant Reading Clerk of the House was announced and was recognized by the Presiding Officer to present the following message:

Hall of the House of Representatives,
Austin, Texas,
May 7, 1941.

Hon. Coke R. Stevenson, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote by which the Conference Committee report on H. B. No. 76 was adopted, and then refused to adopt the Conference Committee report on H. B. No. 76 by a viva voce vote.

The House has refused to concur in Senate amendments to H. B. No. 360 and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following are appointed on the part of the House: Burkett, Craig, Favors, Little, and Halsey.

The House has concurred in Senate amendments to H. B. No. 754 by a 116 ayes, 0 noes vote.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Adoption of Report of Conference Committee on Senate Bill 312

Senator Kelley moved that the report of the Conference Committee on S. B. No. 312, submitted on yesterday, be adopted.

The motion prevailed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Absent—Excused

Cotten	Spears
Hill	Sulak

Vote on House Bill 922 Reconsidered

Senator Hazlewood moved to reconsider the vote by which H. B. No. 922 was passed on yesterday.

The motion prevailed.

House Bill 272 Set as Special Order

On motion of Senator Aikin and by unanimous consent, H. B. No. 272 was set as a special order for tomorrow immediately after completion of the morning call on that day.

House Concurrent Resolution 121

The Presiding Officer laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 121, Authorizing the House to have a suspension day on Thursday, May 8, 1941, to consider House bills.

On motion of Senator Lanning, the resolution was referred to the Committee on Rules.

House Bill 518 on Second Reading

Senator Brownlee moved that the regular order of business be suspended, to permit consideration of H. B. No. 518 at this time.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Nays—1

Metcalf

Absent—Excused

Cotten	Spears
Hill	Sulak

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 518, A bill to be entitled "An Act authorizing the commissioners' courts in all counties having a population of not less than one hundred thousand (100,000) and not more than one hundred ninety thousand (190,000) inhabitants, according to the last preceding Federal census, to determine the maximum annual salary to be paid an officer named in Section 13 of Chapter 465 of the Acts of the Second Called Session of the Forty-fourth Legislature, where such officer's salary was based upon population under the laws existing on August 24, 1935, on the basis of the population of said county, according to the last preceding Federal census; provided that the commissioners' courts in said counties are authorized to fix the maximum annual salary for the balance of the fiscal year 1941 after the effective date of this Act on the basis of the Federal census of 1940 and thereafter according to the last

preceding Federal Census; and declaring an emergency."

The bill was read second time.

Senator Brownlee offered the following (committee) amendment to the bill:

(1)

Amend H. B. No. 518 by striking out the words and figures "one hundred five thousand (105,000)" appearing in line 2, of Section 1 thereof, and inserting the following words and figures to-wit: "One hundred thousand (100,000)" and amend caption accordingly.

The amendment was adopted.

The bill was passed to third reading.

House Bill 518 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 518 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Isbell	Stone
Kelley	Van Zandt
Lanning	Weinert
Lemens	York
Lovelady	

Nays—2

Vick	Winfield
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Absent—Excused

Cotten	Spears
Hill	Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Isbell
Fain	Kelley

Lanning	Ramsey
Lemens	Shivers
Lovelady	Smith
Martin	Stone
Mauritz	Van Zandt
Metcalfe	Weinert
Moffett	York
Moore	

Nays—2

Vick	Winfield
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Absent—Excused

Cotten	Spears
Hill	Sulak

Hour to Which Senate Shall Adjourn

Senator Martin moved that at the conclusion of the joint session to be held at 4:00 o'clock p. m. today, the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed.

Joint Session

At 4:00 o'clock p. m., the Presiding Officer announced the arrival of the hour for a joint session to be held pursuant to H. C. R. No. 118, and requested the Senators to repair to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House, and the Senators were duly admitted and were escorted to seats prepared for them along the aisle.

The Presiding Officer of the Senate (Senator Shivers), by invitation of the Speaker, occupied a seat on the Speaker's stand.

The Presiding Officer of the Senate called the Senate to order, and announced a quorum present.

The Speaker called the joint session to order, and announced a quorum of the House present.

The Speaker introduced Mrs. W. W. Turner, who presented distinguished military service crosses for the Daughters of the Confederacy to the following ex-service men, who are descendants of Confederate veterans: Capt. Jonas Edwin Benton; Herbert Floyd Brawner; Nolan Oree Burnaman; Page Edwin Carson; Roger Q. Evans; Bert Ford; V. E. Goodman; Capt. A. W. Holt; Senator Vernon Lemens; Thos. J. Martin Jr.; Senator John

Lee Smith; Chas. P. Spangler; Frank A. Voigt.

Hon. Dorsey B. Hardeman, member of the House of Representatives, and Hon. John Lee Smith, member of the Senate, addressed the joint session briefly.

The Presiding Officer of the Senate announced the business of the joint session concluded, and the Senate retired to the Senate Chamber.

Adjournment

At 4:50 o'clock p. m., the Presiding Officer of the Senate (Senator Shivers in the Chair) called the Senate to order, and in accordance with a motion previously adopted, declared the Senate adjourned until 10:00 o'clock a. m. tomorrow.

SIXTY-FIFTH DAY

(Thursday, May 8, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Isbell	Stone
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Brownlee	Spears
Cotten	Sulak
Hill	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Shivers.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Beck.

Senator Brownlee was granted leave of absence for today on account of illness, on motion of Senator Hazlewood.

Reports of Standing Committees

Senator Moore submitted the following report:

Committee Room,
Austin, Texas,
May 6, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 854, A bill to be entitled "An Act authorizing independent school districts, upon the order of their trustees, with the consent of the State Superintendent of Public Instruction, to execute an oil and/or gas lease, or sell, exchange, and convey the minerals, or any part thereof, belonging to said school district, and to apply any proceeds to the purchase of necessary ground or to the buildings or repairing of schoolhouses, or to the credit of the local maintenance school fund of the district; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

MOORE, Chairman.

Senator Ramsey submitted the following report:

Committee Room,
Austin, Texas,
May 8, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 899, A bill to be entitled "An Act to provide for traveling expenses for members of the commis-